

REMARKS/ARGUMENTS

This Amendment is in response to the Final Office Action dated September 8, 2004. This Amendment is being provided within the three month period for response extending to December 8, 2004. Also, please note that this Amendment is being submitted 5 within the two month period extending from the date of the Final Office Action to November 8, 2004. The current status of the claims is summarized below.

Claims 1, 4-6, 12, 18, 20-22, and 26 are currently amended.

Claim 8 is cancelled in the present Amendment.

Claims 27-36 are new in this Amendment.

10 Claims 1-7 and 9-36 are pending in the application after entry of the present Amendment.

Allowable Subject Matter

The Applicant acknowledges the Office's indication that claims 7-11, 15-17, and 15 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Therefore, the applicant has added new claims 27-36 to represent the above-mentioned dependent claims rewritten in independent form according to the following combinations of previous pending claims:

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- New Claim 27 = Previous Claim 7 + Previous Claim 6
- New Claim 28 = Previous Claim 9 + Previous Claim 6
- New Claim 29 = Previous Claim 10 + Previous Claim 6
- New Claim 30 = Previous Claim 11 + Previous Claim 6
- New Claim 31 = Previous Claim 15 + Previous Claim 13 + Previous Claim

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- New Claim 32 = Previous Claim 16 + Previous Claim 15 + Previous Claim 13 + Previous Claim 12
- New Claim 33 = Previous Claim 17 + Previous Claim 15 + Previous Claim 13 + Previous Claim 12
- 5 • New Claim 34 = Previous Claim 23 + Previous Claim 22
- New Claim 35 = Previous Claim 24 + Previous Claim 23 + Previous Claim 22
- New Claim 36 = Previous Claim 25 + Previous Claim 23 + Previous Claim 22

10 Also, please note that Previous Claim 8 has been incorporated into Previous Claim 6 to generate claim 6, as-amended. Therefore, claim 6, as-amended is also allowable per the Office's indication.

Rejections under 35 U.S.C. § 103

15 Claims 1-5, 12-14, 20, 22, and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Norton et al. ("Norton") (U.S. Patent No. 5,704,836) in view of Nguyen (U.S. Patent No. 6,072,494). These rejections are respectfully traversed.

With respect to independent claims 1, 4, 5, 12, 20, 22, and 26, as amended, the combination of Norton and Nguyen fails to teach or suggest the following feature:

20 subtracting the captured video image of the background without the human form from the captured video image of the background with the human form to isolate the human form from the background.

The Office is requested to note that the above-mentioned feature was previously considered with respect to claim 8, which is currently cancelled due to its incorporation 25 into claim 6. Thus, the above-mentioned feature has been previously considered by the

Office during examination. Furthermore, by identifying claim 8 as being allowable contingent upon its incorporation into its respective independent claim, the Office has indicated that the above-mentioned feature is not taught or suggested by the cited art of record. To establish a *prima facie* case of obviousness against a claim, each and every 5 feature of the claim must be either taught or suggested by the combined cited art of record. Since the combination of Norton and Nguyen fails to teach or suggest the above-mentioned feature, the combination of Norton and Nguyen fails to render each of claims 1, 4, 5, 12, 20, 22, and 26, as amended, *prima facie* obvious. Therefore, the Applicant respectfully submits that each of claims 1, 4, 5, 12, 20, 22, and 26, as amended, is patentable over the 10 cited art of record.

Claims 6 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Norton in view of Nguyen and further in view of Freeman (U.S. Patent No. 5,454,043) and Wilke (U.S. Publication No. 2003/0137486 A1). These rejections are respectfully 15 traversed.

With respect to independent claims 6 and 21, as amended, the combination of Norton, Nguyen, Freeman, and Wilke fails to teach or suggest the following feature: isolating a view comprising a foreground subject image view by performing an algorithm on the video sequence and the frame that does not include the person, 20 wherein the algorithm includes subtracting the frame that does not include the person from individual frames in the video sequence.

The Office is requested to note that the above-mentioned feature of subtracting the frame that does not include the person from individual frames in the video sequence was previously recited in claim 8, which has been incorporated into claim 6. Thus, the above-25 mentioned feature has been previously considered by the Office during examination.

Furthermore, by identifying claim 8 as being allowable contingent upon its incorporation into its respective independent claim (claim 6), the Office has indicated that the above-mentioned feature is not taught or suggested by the cited art of record. Since the combination of Norton, Nguyen, Freeman, and Wilke fails to teach or suggest the above-mentioned feature, the combination of Norton, Nguyen, Freeman, and Wilke fails to render each of claims 6 and 21, as amended, *prima facie* obvious. Therefore, the Applicant respectfully submits that each of claims 6 and 21, as amended, is patentable over the cited art of record.

10 Claims 18-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Norton in view of Nguyen and further in view of Freeman. These rejections are respectfully traversed.

With respect to independent claim 18, as amended, the combination of Norton, Nguyen, and Freeman fails to teach or suggest the following feature:

15 processing the captured video images to subtract a background from the captured video images to isolate a human form from the background.

The Office is requested to note that the above-mentioned feature of subtracting a background from the captured video images to isolate a human form from the background was previously considered during examination with respect to claim 8. Furthermore, by 20 identifying claim 8 as being allowable contingent upon its incorporation into its respective independent claim, the Office has indicated that the above-mentioned feature is not taught or suggested by the cited art of record. Since the combination of Norton, Nguyen, and Freeman fails to teach or suggest the above-mentioned feature, the combination of Norton, Nguyen, and Freeman fails to render claim 18, as amended, *prima facie* obvious. Therefore,

the Applicant respectfully submits that claim 18, as amended, is patentable over the cited art of record.

Each of dependent claims 2-3, 7-11, 13-17, 19, and 23-25 incorporates all the features of its respective independent claim. Therefore, the Applicant submits that each of 5 dependent claims 2-3, 7-11, 13-17, 19, and 23-25 is patentable over the cited art of record for at least the reasons previously discussed with respect to its independent claim.

The Applicant respectfully submits that all of the pending claims are in condition for allowance. Therefore, a notice of allowance is respectfully requested. If the Examiner 10 has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6900 ext. 6914. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SONYP003). A duplicate copy of the transmittal is enclosed for this purpose.

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Respectfully submitted,
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